

REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks and the above amendments. This response is believed to fully address all issues raised in the Office Action mailed June 4, 2007. Furthermore, no new matter is believed to have been introduced hereby.

Claims 1-9 and 11 were previously pending in this application. Claims 1, 2, and 4 have been amended as detailed above. Accordingly, claims 1-9 and 11 remain pending in the present application.

Objections and 35 USC § 112 Rejection of the Claims

Claim objections and rejections under 35 USC § 112, second paragraph, are believed to have been overcome via the amendments provided above. With respect to claim 1, it is believed that addressing the rejection under section 112 also removes the concern regarding the objection to this claim.

Allowable Subject Matter

Claims 2-9, and 11 were indicated to be allowable if rewritten to overcome the rejection(s) under 35 USC § 112, 2nd paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. In response, it is respectfully submitted that the above amendments address any rejections under 35 USC § 112, 2nd paragraph. Furthermore, as detailed below, claim 1 and all its dependent claims are in condition for allowance.

35 USC § 102 Rejection of the Claims

Claim 1 was rejected under 35 USC § 102 (e) as being anticipated by Kim (U.S. Patent No. 6,393,011).

This rejection is respectfully traversed.

Initially, the Office is respectfully reminded of the requirements of MPEP § 2131 that states a “claim is anticipated only if each and every element as set forth in the claim is found,

either expressly or inherently described, in a single prior art reference” (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

To this end, it is respectfully submitted that the Office has failed to make a prima facie case for anticipation of claim 1. In particular, the cited art fails to teach the claimed combination of features as set forth in claim 1.

For example, in rejecting claim 1, the Office states that:

deriving an IMD based constant I from x' (col. 3, lines 50-55; after the signal is filtered only IMD products remains that corresponds to x' and IMD based constant); and
removing an IMD component from the received estimates x'' to derive an IMD removed new estimate x'' (col. 3, line 57-col. 4, lines 1-7; col. 4, lines 45-51; the inter-modulation product signal generated is applied to a phase shifter, which phase shifts the signal by an amount sufficient to achieve cancellation of the IMD products output by the receiver that corresponds to x'')

in accordance with an equation: $x'' = x' - I$ (by²) where b is a system constant (the equation is represented by the circuit illustrated in figure 3 that removes or cancel IMD products from a signal received at a mobile communication terminal).

However, it is respectfully submitted that Kim’s “phase shifter” does not and can not perform the same operations as claimed, including, for example the claimed subtraction. Further, as can be seen, these citations simply fail to meet the requirements for anticipation.

If a subsequent Office Action is to be mailed in the present application, applicant hereby respectfully requests a more clear rejection of the claimed combination of features such as set forth in claim 1, including the claimed equation that utilizes subtraction and multiplication instead of phase shifting a signal, based on Kim, pursuant to MPEP §§706 and 706.02(j).

Accordingly, it is respectfully submitted that claim 1 is in condition for allowance. Also, all pending dependent claims should be allowable for at least similar reasons as their respective independent claim 1, as well as additional or alternative elements that are recited therein but not shown in the cited prior art.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (720-840-6740) to facilitate prosecution of this application.

Applicant hereby petitions, as well as includes the appropriate fee, for a two-month extension of time.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4238.

Respectfully submitted,

CUSTOMER NUMBER: 50890

Telephone Number: 720-840-6740

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